

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Claims and Specification

Each of the independent claims has been amended to define:

- a wheel receiving portion (5) between a first rearwardly sloping surface (2) and a second forwardly sloping surface (3) (see page 4, lines 3-5);
- wheel supporting elements (4, 11) on lateral sides of the wheel receiving portion (see page 5, lines 16-17 and page 6, line 11);
- openings on lateral sides of the wheel receiving portion of the stop, the openings allowing easy removal of debris from the wheel receiving portion (see page 4, lines 17-19) while the stop element is secured to the kitchen floor; and
- that the wheel on the commercial kitchen equipment is positioned securely in the predetermined location “*without use of ties or securing means*” (page 3, line 8)..

In addition, the claims have been amended to delete the “cleanliness standards. . .” language objected-to by the Examiner under 35 USC §112, 2nd Paragraph, and the specification has been amended to clarify that it is openings on lateral sides of the wheel receiving portion that allow easy removal of debris from the wheel receiving portion, rather than the wheel support elements that define the openings.

It is respectfully submitted that the added “wheel receiving portion” and “wheel supporting elements,” and the recitation of being secured without use of ties or securing means, are clearly disclosed in the original specification, and therefore do **not** constitute “**new matter**.”.

Furthermore, it is respectfully submitted that the added “openings” are shown in the original drawings and therefore supported by the original drawings as well as by a passage in the original specification that refers to “debris removal.” While the added “openings on lateral sides of the wheel receiving portion” are not explicitly mentioned in the original specification, Fig. 5

clearly shows that the lateral sides are in fact open, and **page 4, lines 17-19** specify that “[c]*leanliness standards are easily achievable, especially in the preferred embodiment which make use of rails that allow easy removal of debris from the wheel receiving portion.*” It is respectfully submitted that this passage, as well as the original drawings, provides support for the added recitation of the openings so that the addition of a recitation of “openings” also does **not** constitute “**new matter**,” particular since those skilled in the art would immediately have recognized that it is not the “**rails**” that allow easy removal of debris, but rather the “**openings**” under the rails. The amendment to the specification merely clarifies that debris is removed through the “openings,” and therefore also does **not** constitute “**new matter**.”

2. Statement of Substance of Interview

The Examiner is thanked for the courtesy extended during a personal interview attended by the Examiner (Bradley King), the undersigned (Benjamin Urcia), and that Applicant (John Egnor) on February 12, 2009. During the interview, the Applicant explained:

- (a) how the stop elements of the invention differ from other stop elements, such as those used to prevent rolling of a vehicle, in that the stop elements are fixed to the floor in order to position kitchen equipment relative to a fire suppression system, and
- (b) how, because the stop elements are fixed to the kitchen floor beneath kitchen equipment, grease and other debris tends to collect in the wheel receiving portions of the stop elements, not only adding to the risk of fire, but also causing sanitation problems, making it necessary to provide a way to easily clean the debris from the wheel receiving portions of the stop elements.

These features of the invention were contrasted with those of the applied reference, U.S. Patent No. 4,314,735 (Fullenkamp), which disclosed a bed locator with an electrical plug. According to the Applicant, the bed locator of Fullenkamp was not used in an environment where the ability to clean it was as critical as in a kitchen, and that it in fact would be very difficult to clean because of the plug receiving structure and the lack of openings in the wheel receiving portion. In addition, it was mentioned that the casters and vehicle blocks of many of the other references

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of record were not fixed to the floor, and therefore did not need to be specially designed to be cleaned while secured to the floor.

Following this explanation, the Examiner suggested that the openings in lateral sides of the stop elements, which are visible in the original drawings, be claimed in order to more positively recite the cleaning aspect of the invention without having to refer to National Sanitation Foundation “standards” that could change over time.

The amendments presented above are in response to the Examiner’s suggestion (and further add that the kitchen equipment is held in place without ties or securing means other than the ramped surfaces and wheel support element at lateral sides of the wheel receiving portions, which was also briefly mentioned at the interview).

3. Rejection of Claims 13-17 Under 35 USC §102(b) in view of U.S. Patent No. 4,314,735 (Fullenkamp)

This rejection is respectfully traversed on the grounds that the Fullenkamp does not disclose or suggest the claimed openings in wheel receiving portions of the stop elements, which enable the stop elements to be more easily cleaned while secured to the floor. To the contrary, as shown in Figs. 1-3, the stop element of Fullenkamp provides a narrow ramp structure with numerous corners and spaces where debris could be trapped, and therefore would be unsuitable for use in the positively claimed context positioning kitchen equipment on a kitchen floor.

As a result, the Fullenkamp patent does not disclose or suggest the invention as presently claimed, whether considered individually or in combination with any of the other references of record, and therefore an indication of the allowability of claims 13-17, and expedited passage of the application to issue, is requested.

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Should the Examiner feel that issues remain that could possibly be resolved in a further interview, the Examiner is invited to telephone the undersigned at any time to conduct or arrange such an interview.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to be 'B. Urcia', followed by a long horizontal line extending to the right.

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